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Convention on the Elimination of All Forms of Discrimination against Women

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Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined eighth and ninth periodic reports of Mongolia

General

1. In the report of the State party (CEDAW/C/MNG/8-9), it is stated that the National Statistics Office is working on the methodologies of using gender statistical basic indicators and linking the gender statistical database with that of different ministries and is planning to create a national-level database disaggregated by sex (p. 5).[1] Please provide updated information on the current status of the database.

Constitutional, legislative and institutional framework

2. It is indicated in the report that new draft versions of the family law and the labour law have been elaborated (p. 9). Please provide updated information on the current status and content of those drafts, as well as information on any other relevant new legislation, strategies and plans of action relating to women's rights that were adopted during the reporting period. In the light of the Committee's previous concluding observations (CEDAW/C/MNG/CO/7, para. 12) and its follow-up letter dated 19 September 2012, please indicate whether the law on gender equality prohibits both direct and indirect gender-based discrimination by both public and private actors in all spheres of society.

Note: The present document is issued in English, French and Spanish only.

* CEDAW/C/63/1.

[1] Unless otherwise indicated, page numbers refer to the combined eighth and ninth periodic reports of the State party (CEDAW/C/MNG/8-9).

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Temporary special measures

3. The report provides limited information on the use of temporary special measures during the reporting period. Please provide specific examples of such measures, their inclusion in national policies and programmes and their concrete implementation with a view to promoting and accelerating the realization of substantive equality between women and men, in line with article 4 of the Convention and the Committee's general recommendation No. 25 on the subject. Please provide information on whether the revised draft of the law on elections, political parties and political financing provides specific measures for programmes and civil service training to promote the participation of women in political and public life and for recruiting, financially assisting and training women candidates.

Stereotypes

4. The existence of gender stereotypes in the State party is acknowledged in the report and it is stated that there is still a lot to be done in terms of improving relevant policies, programmes and action plans, strengthening the capacities of experts and institutions, conducting systematic assessments and evaluations, raising funds and allocating budgets, as well as identifying specific "cultural" policies (p. 10). Please provide detailed updated information on whether the above-mentioned measures to combat stereotypical attitudes have been taken and whether the results have been evaluated.

Violence against women

5. It is acknowledged in the report that there is no established mechanism to protect the rights of victims and survivors of violence and that no budget has been allocated for that purpose (p. 8). It is indicated that draft amendments to the law on combating domestic violence have been submitted to the parliament for review. Please provide updated information on the current status and content of those amendments and indicate whether a special mechanism has been established to protect women who are victims of violence. Please also provide information on measures taken to ensure that women have access to justice, in accordance with the Committee's general recommendation No. 33 on the subject. Please indicate whether marital rape is criminalized and whether ex officio prosecution can be initiated for that crime.

6. It is indicated that there is only one State-run shelter for victims of domestic violence and that the State party is looking into the possibility of allocating the budget necessary to support shelters at the national level (p. 8). Please provide information on the current situation with regard to shelters, both that are run by the State and those run by non-governmental organizations, currently available to victims of domestic violence in all regions.

Trafficking and exploitation of prostitution

7. Please provide information on sentences imposed on traffickers, on measures for the early identification and protection of victims of trafficking and on the rehabilitation services available to them, especially those funded by the State. Please also provide information on the measures taken to establish bilateral and regional cooperation with regard to preventing women and girls from being trafficked, to protect the victims of trafficking and to facilitate the prosecution of perpetrators.

8. Given that the report is silent regarding exploitation of prostitution, please provide updated information on the prevalence of the phenomenon in the State party, on the measures taken to prevent the sexual exploitation of women and girls and on the measures aimed at discouraging prostitution. Please describe the existing mechanisms for women who wish to leave prostitution.

Participation in political and public life

9. It is indicated in the report that 19 per cent of State secretaries and 26 per cent of ministers are women, that only 4 of 32 ambassadors working overseas are women and that no female governor of an *aimag* or a city has yet been appointed or elected (p. 13). It is also acknowledged that there are many obstacles preventing women from participating in political and public life. Please provide information on specific measures, including temporary special measures, such as quotas, that have been taken to improve the representation of women in the political and public spheres and in decision-making positions. Please also indicate whether those measures include campaigns to raise awareness of the importance for society as a whole of the participation of women in decision-making and mechanisms for monitoring of the impact of those measures.

Nationality

10. It is indicated in the report that, owing to the fact that 90 per cent of the citizens married to foreigners are women and that the trend is increasing, matters related to marriage contracts, property ownership and children's nationality have become an emerging issue (p. 14). Please provide information on the current legislative provisions in that area and on measures taken to protect women married to foreigners. Please also provide information on whether women can transmit their nationality to their children and foreign husband.

Education

11. It is indicated in the report that adolescent mothers face difficulties with regard to access to education and that the Ministry of Education is encouraging women of all ages to have access to lifelong education centres (p. 14). It is also indicated that, since the 2014-2015 academic year, university students have had the possibility of taking a gender course (p. 10). Please provide information on the measures taken to ensure that all girls have equal access to free and compulsory basic education. Please also provide data on dropout rates and information on measures taken to ensure that adolescent mothers return to school at the level at which they dropped out. Please also provide information on whether any gender analysis and revision of educational materials have been conducted and whether the school curriculum includes age-appropriate education on sexual and reproductive health and rights. Please also provide information on the measures taken to include a gender course at the university level.

Employment

12. It is indicated in the report that there is no coordination and accountability mechanism in place for complaints of discriminatory practices with regard to employment (p. 16). It is also acknowledged that there is a lack of awareness among the population in general of their rights and of the existence of the gender pay gap

(p. 17) and that women are largely engaged in small trading businesses where the legal environment has not yet been established to protect their rights (p. 19). Please provide information on the measures taken to establish a complaints mechanism of which women can avail themselves, measures to introduce sanctions that can be applied to employers who discriminate against women and violate their rights and measures taken to adopt specific legislation to protect women engaging in small trading businesses. Please also provide information on measures taken to address the horizontal and vertical segregation between men and women, which results in the gender pay gap. Please provide information on the measures taken to consolidate a State policy on equal opportunities between men and women at all levels of all economic sectors, based on specific mechanisms and strategies.

13. It is acknowledged in the report that, notwithstanding the existing provisions of the law on promotion of gender equality covering sexual harassment in the workplace, such harassment is common (p. 8) and there is a lack of awareness that it is prohibited (p. 17). Please provide detailed information on the measures taken to oblige employers to ensure a working environment free from sexual harassment and indicate whether there are mechanisms in place for women to confidentially report incidents. Please also provide information on the data collected in order to assess the extent of the problem and identify gaps in the legal framework in that regard, and on the measures taken to raise awareness among women of the existing legal provisions protecting them from sexual harassment.

14. According to information before the Committee, access to childcare facilities is limited. Please provide information on whether national legislation provides for paternity leave in both the public and private sectors, on childcare leave and flexible working arrangements and on how those provisions are implemented, indicating whether the State party has taken measures to increase the number of childcare facilities to allow women to reconcile work and family life. Please also indicate whether women who return to work after three years' paid maternity leave suffer any adverse impact on their career progression.

Health

15. It is acknowledged that the rate of abortion remains high in the State party and that the accessibility and quality of family planning counselling services need to be improved (p. 20). Please provide information on the measures taken to address the high rate of abortion, including through an increase in the accessibility of modern contraceptive methods and their availability and affordability, and on the measures taken to raise awareness among women and girls of family planning. Please also indicate whether measures have been taken to ensure access by women and girls to general health services and reproductive health centres.

16. According to information before the Committee, notwithstanding some progress in protecting the rights of people living with HIV, negative social attitudes and discriminatory practices continue to exist, such as compulsory HIV testing in some workplaces for the domestic workforce and pregnant HIV-positive women giving birth at the National Centre for Communicable Diseases rather than in maternity homes. It has also been reported that there are no non-discrimination laws or regulations that put in place protection for communities affected by HIV-related discrimination. Please provide information on the measures taken to adopt specific

legislation and strategies to protect HIV-positive women from discrimination and to address stigma, discrimination and violence targeted at women living with HIV.

Rural women

17. It is indicated in the report that rural women in the State party are burdened by unpaid and continuous hard work and face many challenges (p. 17). It is also indicated that, notwithstanding the legislation in force allowing every citizen to register a plot of land under an individual's name, land leased for business purposes is registered under men's names in 65 per cent of cases and that the costly procedures to identify plots that have not been privatized prevent women from engaging in land privatization (p. 22). It is further indicated that existing gender inequalities prevent women from starting businesses and/or taking the lead in entrepreneurship (p. 23). Please provide information on the measures taken to increase the participation of women in political and public life, enhance their access to justice, provide them with protection, support and assistance when they are subjected to gender-based violence and ensure their access to health-care services, employment, land ownership and management and economic opportunities.

Disadvantaged groups of women

18. It is acknowledged in the report that migrant women face many challenges, including discrimination and violence (p. 21). It is also indicated that the employment of women with disabilities and their social inclusion are priority issues for the State party (p. 21). Please provide information on the measures taken to ensure their access to justice, health-care services, employment, economic opportunities and social protection, indicating any programmes and strategies formulated to meet the specific needs of disadvantaged groups of women. Please also provide information on the alleged practice of removing children from mothers with a disability, based on the presumed best interest of the child.

19. The report provides little information about women in detention (p. 7). Please provide information on women in detention, how the conditions of women in prisons are monitored and whether they are compatible with general international standards.

Indigenous and minority women

20. The report is silent on the situation of indigenous women. Please provide information on the measures taken to ensure effective legal protection for indigenous women, in particular with regard to their cultural rights, rights to land, territories and resources, and representation in decision-making bodies. Please also provide information on the situation of women belonging to ethnic minorities with regard to their access to education, health care and participation in political and public life and decision-making.

Marriage and family relations

21. It is reported by alternative sources that, under the family law, divorce is not available to women who are pregnant or have a child under 1 year of age and that the law authorizes judges to impose a three-month reconciliation period before granting a divorce. In the report, the State party indicates that households headed by women account for 76.2 per cent of all households headed by single persons (p. 4). Please provide information on the measures taken to amend the discriminatory

provisions and eliminate reconciliation periods and restrictions for women seeking a divorce. Please also provide information on the measures taken by the State party to protect single women heads of households and deserted wives with children, especially in situations in which those women are still officially married.